IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil R. No.368 of 1993.

Date of Decision:29.11.2006

Pritpal Kaur

....Petitioner.

Versus

Kamal Singh

...Respondent.

CORAM : Hon'ble Mr.Justice S.S.Saron.

Present:- None.

S.S.SARON, J.(ORAL)

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The revision petition has been filed against the order dated 24.8.1992 passed by the learned Sub Judge Ist Class, Ludhiana, whereby the application filed by the plaintiff/petitioner to permit her to operate the current account No.1209 with the Punjab National Bank, GT Road, Ludhiana, had been dismissed.

The firm M/s Micron Tools Limited had current account No.1209 with the Punjab National Bank, GT Road, Ludhiana. In terms of Clause-8 of the Partnership Deed the said account was to be operated by the parties to the deed severally and individually. However,the defendant/respondent instructed the bank to stop the operation of the account. According to the plaintiff/petitioner, the defendant/respondent had no authority whatsoever to stop the operation of the account of the firm. The suit that is pending between the parties is for dissolution of the firm. It was observed by the learned Trial Court that mere filing of the suit for dissolution of the firm would not warrant the ceasing of the operation

of the business of the firm. However, in view of the pleadings of the plaintiff, she by her own act and conduct is estopped from operating the account of the firm M/s Micron Tools. In the suit filed by the plaintiff it was pleaded that the defendant is the accounting party. It was observed that as per statements of accounts and the pleadings of the defendants in the application, the plaintiff had withdrawn a sum of Rs.72,200/- from the account of the firm without the consent of the defendant. It was not on record if that amount had been spent by the plaintiff in the business of the firm. It was observed that the apprehension of the defendant appeared to be genuine with regard to mis-appropriation of the amount of the firm deposited in the disputed account. Accordingly, it was observed that the application filed by the plaintiff was devoid of merit.

The revision petition was admitted on 15.7.1993. On one of the last dates when it was taken up for hearing learned counsel for the petitioner had sought time to verify whether the suit was pending before the Trial Court or it has been disposed of. Nothing has been brought on record as to whether the suit has been disposed of or is still pending as no one has put in appearance.

In the circumstances, the revision petition is dismissed in default.

(S.S.SARON)
JUDGE

November 29,2006.
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